



Rep. Constance A. Howard

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09300HB5789ham001

LRB093 16928 DRJ 49280 a

1 AMENDMENT TO HOUSE BILL 5789

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5789 by replacing  
3 the title with the following:

4 "AN ACT in relation to health."; and

5 by replacing everything after the enacting clause with the  
6 following:

7 "Section 1. Short title. This Act may be cited as the  
8 African-American HIV/AIDS Response Act.

9 Section 5. Legislative finding. The General Assembly finds  
10 that HIV/AIDS in the African-American community is a crisis  
11 separate and apart from the overall issue of HIV/AIDS in other  
12 communities.

13 Section 10. African-American HIV/AIDS Response Office. An  
14 African-American HIV/AIDS Response Office shall be established  
15 in each of the following:

- 16 (1) The Office of the Governor.  
17 (2) The Department of Human Services.  
18 (3) The Department of Public Health.

19 Section 15. HIV testing; safe-sex kits.

20 (a) In this Section:

1 "High-risk community" means a community designated as  
2 high-risk by the Department of Public Health in rules.

3 "High-traffic facility" means a high-traffic facility as  
4 defined by the Department of Central Management Services in  
5 rules.

6 "State agency" means (i) any department of State government  
7 created under Section 5-15 of the Departments of State  
8 Government Law of the Civil Administrative Code of Illinois or  
9 (ii) the Office of the Secretary of State.

10 (b) Every State agency that operates a facility that (i) is  
11 accessible to the public, (ii) is a high-traffic facility, and  
12 (iii) serves a high-risk community must provide the following  
13 in each such facility:

14 (1) Space for regularly scheduled free (ORAQUICK) HIV  
15 testing.

16 (2) Accessible receptacle space for free safe-sex  
17 kits.

18 Section 90. The Illinois Public Aid Code is amended by  
19 changing Sections 5-2 and 9A-4 as follows:

20 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

21 Sec. 5-2. Classes of Persons Eligible. Medical assistance  
22 under this Article shall be available to any of the following  
23 classes of persons in respect to whom a plan for coverage has  
24 been submitted to the Governor by the Illinois Department and  
25 approved by him:

26 1. Recipients of basic maintenance grants under Articles  
27 III and IV.

28 2. Persons otherwise eligible for basic maintenance under  
29 Articles III and IV but who fail to qualify thereunder on the  
30 basis of need, and who have insufficient income and resources  
31 to meet the costs of necessary medical care, including but not  
32 limited to the following:

1           (a) All persons otherwise eligible for basic  
2 maintenance under Article III but who fail to qualify under  
3 that Article on the basis of need and who meet either of  
4 the following requirements:

5           (i) their income, as determined by the Illinois  
6 Department in accordance with any federal  
7 requirements, is equal to or less than 70% in fiscal  
8 year 2001, equal to or less than 85% in fiscal year  
9 2002 and until a date to be determined by the  
10 Department by rule, and equal to or less than 100%  
11 beginning on the date determined by the Department by  
12 rule, of the nonfarm income official poverty line, as  
13 defined by the federal Office of Management and Budget  
14 and revised annually in accordance with Section 673(2)  
15 of the Omnibus Budget Reconciliation Act of 1981,  
16 applicable to families of the same size; or

17           (ii) their income, after the deduction of costs  
18 incurred for medical care and for other types of  
19 remedial care, is equal to or less than 70% in fiscal  
20 year 2001, equal to or less than 85% in fiscal year  
21 2002 and until a date to be determined by the  
22 Department by rule, and equal to or less than 100%  
23 beginning on the date determined by the Department by  
24 rule, of the nonfarm income official poverty line, as  
25 defined in item (i) of this subparagraph (a).

26           (b) All persons who would be determined eligible for  
27 such basic maintenance under Article IV by disregarding the  
28 maximum earned income permitted by federal law.

29           3. Persons who would otherwise qualify for Aid to the  
30 Medically Indigent under Article VII.

31           4. Persons not eligible under any of the preceding  
32 paragraphs who fall sick, are injured, or die, not having  
33 sufficient money, property or other resources to meet the costs  
34 of necessary medical care or funeral and burial expenses.

1           5. (a) Women during pregnancy, after the fact of pregnancy  
2           has been determined by medical diagnosis, and during the  
3           60-day period beginning on the last day of the pregnancy,  
4           together with their infants and children born after  
5           September 30, 1983, whose income and resources are  
6           insufficient to meet the costs of necessary medical care to  
7           the maximum extent possible under Title XIX of the Federal  
8           Social Security Act.

9           (b) The Illinois Department and the Governor shall  
10          provide a plan for coverage of the persons eligible under  
11          paragraph 5(a) by April 1, 1990. Such plan shall provide  
12          ambulatory prenatal care to pregnant women during a  
13          presumptive eligibility period and establish an income  
14          eligibility standard that is equal to 133% of the nonfarm  
15          income official poverty line, as defined by the federal  
16          Office of Management and Budget and revised annually in  
17          accordance with Section 673(2) of the Omnibus Budget  
18          Reconciliation Act of 1981, applicable to families of the  
19          same size, provided that costs incurred for medical care  
20          are not taken into account in determining such income  
21          eligibility.

22          (c) The Illinois Department may conduct a  
23          demonstration in at least one county that will provide  
24          medical assistance to pregnant women, together with their  
25          infants and children up to one year of age, where the  
26          income eligibility standard is set up to 185% of the  
27          nonfarm income official poverty line, as defined by the  
28          federal Office of Management and Budget. The Illinois  
29          Department shall seek and obtain necessary authorization  
30          provided under federal law to implement such a  
31          demonstration. Such demonstration may establish resource  
32          standards that are not more restrictive than those  
33          established under Article IV of this Code.

34          6. Persons under the age of 18 who fail to qualify as

1 dependent under Article IV and who have insufficient income and  
2 resources to meet the costs of necessary medical care to the  
3 maximum extent permitted under Title XIX of the Federal Social  
4 Security Act.

5 7. Persons who are under 21 years of age and would qualify  
6 as disabled as defined under the Federal Supplemental Security  
7 Income Program, provided medical service for such persons would  
8 be eligible for Federal Financial Participation, and provided  
9 the Illinois Department determines that:

10 (a) the person requires a level of care provided by a  
11 hospital, skilled nursing facility, or intermediate care  
12 facility, as determined by a physician licensed to practice  
13 medicine in all its branches;

14 (b) it is appropriate to provide such care outside of  
15 an institution, as determined by a physician licensed to  
16 practice medicine in all its branches;

17 (c) the estimated amount which would be expended for  
18 care outside the institution is not greater than the  
19 estimated amount which would be expended in an institution.

20 8. Persons who become ineligible for basic maintenance  
21 assistance under Article IV of this Code in programs  
22 administered by the Illinois Department due to employment  
23 earnings and persons in assistance units comprised of adults  
24 and children who become ineligible for basic maintenance  
25 assistance under Article VI of this Code due to employment  
26 earnings. The plan for coverage for this class of persons  
27 shall:

28 (a) extend the medical assistance coverage for up to 12  
29 months following termination of basic maintenance  
30 assistance; and

31 (b) offer persons who have initially received 6 months  
32 of the coverage provided in paragraph (a) above, the option  
33 of receiving an additional 6 months of coverage, subject to  
34 the following:

1 (i) such coverage shall be pursuant to provisions  
2 of the federal Social Security Act;

3 (ii) such coverage shall include all services  
4 covered while the person was eligible for basic  
5 maintenance assistance;

6 (iii) no premium shall be charged for such  
7 coverage; and

8 (iv) such coverage shall be suspended in the event  
9 of a person's failure without good cause to file in a  
10 timely fashion reports required for this coverage  
11 under the Social Security Act and coverage shall be  
12 reinstated upon the filing of such reports if the  
13 person remains otherwise eligible.

14 9. Persons with acquired immunodeficiency syndrome (AIDS)  
15 or with AIDS-related conditions with respect to whom there has  
16 been a determination that but for home or community-based  
17 services such individuals would require the level of care  
18 provided in an inpatient hospital, skilled nursing facility or  
19 intermediate care facility the cost of which is reimbursed  
20 under this Article. Assistance shall be provided to such  
21 persons to the maximum extent permitted under Title XIX of the  
22 Federal Social Security Act.

23 10. Participants in the long-term care insurance  
24 partnership program established under the Partnership for  
25 Long-Term Care Act who meet the qualifications for protection  
26 of resources described in Section 25 of that Act.

27 11. Persons with disabilities who are employed and eligible  
28 for Medicaid, pursuant to Section 1902(a)(10)(A)(ii)(xv) of  
29 the Social Security Act, as provided by the Illinois Department  
30 by rule.

31 12. Subject to federal approval, persons who are eligible  
32 for medical assistance coverage under applicable provisions of  
33 the federal Social Security Act and the federal Breast and  
34 Cervical Cancer Prevention and Treatment Act of 2000. Those

1 eligible persons are defined to include, but not be limited to,  
2 the following persons:

3 (1) persons who have been screened for breast or  
4 cervical cancer under the U.S. Centers for Disease Control  
5 and Prevention Breast and Cervical Cancer Program  
6 established under Title XV of the federal Public Health  
7 Services Act in accordance with the requirements of Section  
8 1504 of that Act as administered by the Illinois Department  
9 of Public Health; and

10 (2) persons whose screenings under the above program  
11 were funded in whole or in part by funds appropriated to  
12 the Illinois Department of Public Health for breast or  
13 cervical cancer screening.

14 "Medical assistance" under this paragraph 12 shall be identical  
15 to the benefits provided under the State's approved plan under  
16 Title XIX of the Social Security Act. The Department must  
17 request federal approval of the coverage under this paragraph  
18 12 within 30 days after the effective date of this amendatory  
19 Act of the 92nd General Assembly.

20 13. Persons who are HIV-positive and who are financially  
21 eligible for medical assistance.

22 The Illinois Department and the Governor shall provide a  
23 plan for coverage of the persons eligible under paragraph 7 as  
24 soon as possible after July 1, 1984.

25 The eligibility of any such person for medical assistance  
26 under this Article is not affected by the payment of any grant  
27 under the Senior Citizens and Disabled Persons Property Tax  
28 Relief and Pharmaceutical Assistance Act or any distributions  
29 or items of income described under subparagraph (X) of  
30 paragraph (2) of subsection (a) of Section 203 of the Illinois  
31 Income Tax Act. The Department shall by rule establish the  
32 amounts of assets to be disregarded in determining eligibility  
33 for medical assistance, which shall at a minimum equal the  
34 amounts to be disregarded under the Federal Supplemental

1 Security Income Program. The amount of assets of a single  
2 person to be disregarded shall not be less than \$2,000, and the  
3 amount of assets of a married couple to be disregarded shall  
4 not be less than \$3,000.

5 To the extent permitted under federal law, any person found  
6 guilty of a second violation of Article VIIIA shall be  
7 ineligible for medical assistance under this Article, as  
8 provided in Section 8A-8.

9 The eligibility of any person for medical assistance under  
10 this Article shall not be affected by the receipt by the person  
11 of donations or benefits from fundraisers held for the person  
12 in cases of serious illness, as long as neither the person nor  
13 members of the person's family have actual control over the  
14 donations or benefits or the disbursement of the donations or  
15 benefits.

16 (Source: P.A. 92-16, eff. 6-28-01; 92-47, eff. 7-3-01; 92-597,  
17 eff. 6-28-02; 93-20, eff. 6-20-03.)

18 (305 ILCS 5/9A-4) (from Ch. 23, par. 9A-4)

19 Sec. 9A-4. Participation.

20 (a) Except for those exempted under subsection (b) below,  
21 and to the extent resources permit, the Illinois Department as  
22 a condition of eligibility for public aid, may, as provided by  
23 rule, require all recipients to participate in an education,  
24 training, and employment program, which shall include  
25 accepting suitable employment and refraining from terminating  
26 employment or reducing earnings without good cause.

27 (b) Recipients shall be exempt from the requirement of  
28 participation in the education, training, and employment  
29 program in the following circumstances:

30 (1) the ~~The~~ recipient is a person over age 60; ~~or~~

31 (2) the ~~The~~ recipient is a person with a child under  
32 age one; or ~~or~~

33 (3) the recipient is HIV-positive.

1 (Source: P.A. 89-6, eff. 3-6-95; 90-17, eff. 7-1-97.)".